ORDINANCE NUMBER 15-37

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE

This is a Planned Unit Development District Ordinance (to be known as the "WEST RAIL PUD DISTRICT") to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended.

WHEREAS, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

WHEREAS, on December 12, 2011, the Common Council of the City of Westfield, Hamilton County, Indiana, adopted Ordinance 11-33 (the "Amended Centennial North PUD District Ordinance"), recorded as Instrument No. 2011065112 in the Office of the Recorder of Hamilton County, Indiana, to repeal Ordinance No. 05-10, as amended under Ordinance 06-09 and Ordinance 09-03.

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1511-PUD-22**), requesting an amendment to the Unified Development Ordinance, the Zoning Map and the Amended Centennial North PUD with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded **Petition No. 1511-PUD-22** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a favorable recommendation (5-0) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on November 17, 2015;

WHEREAS, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Unified Development Ordinance and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 The Unified Development Ordinance and Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the "West Rail PUD District" (the "District").
- 1.2 This Planned Unit Development District Ordinance (this "Ordinance") hereby repeals and supersedes in its entirety the Amended Centennial North PUD District Ordinance, as applicable to the Real Estate.
- 1.3 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, and (ii) the provisions of the Unified Development Ordinance, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.
- 1.4 Chapter ("Chapter") and Article ("Article") cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.
- 1.5 All provisions and representations of the Unified Development Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 2. Definitions. Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Unified Development Ordinance.

- 2.1 <u>Area:</u> A discrete geographic area within the District. The District contains two (2) Areas, "Area A" and "Area B", which are conceptually represented on the Concept Plan. The Areas are regulated accordingly by the terms of this Ordinance.
- 2.2 <u>Different Color Package</u>. If an Existing Home's Dominant Exterior Material is a Masonry Material, then the Subject Home's Masonry Material shall be a different color to be a Different Color Package. If the Existing Home's Dominant Exterior Material is not a Masonry Material, then the Subject Home's Dominant Exterior Material color shall be a least two (2) shades different to be a Different Color Package. Color shades shall be identified according to the "Sherwin Williams Color Prime System" or its successor system consistent with the "Munsell Color Theory."
- 2.3 <u>Dominant Exterior Material</u>. The Exterior Material that occupies the most surface area (compared to other Exterior Materials) of a Front Building Facade, exclusive of doors, windows and garage doors. The Dominant Exterior Material shall be identified on the elevations filed as part of an application for an improvement location permit.
- 2.4 <u>Exterior Material</u>. The separate architectural siding materials and patterns on a Front Building Facade such as Masonry Materials, horizontal siding, shake siding,

- vertical siding, and board & batten siding (each of the foregoing are examples of separate Exterior Materials).
- 2.5 <u>Existing Home</u>. A Single-family Dwelling that has been issued an improvement location permit at the time an application for an improvement location permit is filed for a Subject Home.
- 2.6 <u>Gas Line Easements</u>: The easements recorded as (i) Instrument No. 7056 in Deed Record 175, page 311 and (ii) Instrument No. 7058, in Deed Record 175, page 315 in the Office of the Recorder of Hamilton County, Indiana, and as generally depicted on the Concept Plan.
- 2.7 <u>Subject Home</u>. A Single-family Dwelling that is the subject of an application for an improvement location permit.
- 2.8 <u>Same Elevation</u>: The same architectural style for the Front Building Façade, as referenced in the Character Exhibits that includes: Arts and Crafts, English Revival, Farmhouse, Four Square, French Country, Shingle Style, Traditional and Victorian.
- 2.9 <u>Underlying Zoning District</u>: The Zoning District of the Unified Development Ordinance that shall govern the development of this District and its various subareas, as set forth in Section 4 of this Ordinance
- Section 3. Concept Plan. The Concept Plan, attached hereto as Exhibit B, is hereby incorporated in accordance with Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan. The Real Estate shall be developed in substantial compliance with the Concept Plan.
- **Section 4. Underlying Zoning District(s).** The Underlying Zoning District shall be as set forth below.
 - 4.1 Area A: SF4: Single Family High Density District.
 - 4.2 Area B: SF3: Single Family Medium Density District.
- **Section 5. Permitted Uses.** The permitted uses shall be as set forth below.
 - 5.1 All uses permitted in the Underlying Zoning District, as set forth in Chapter 4 and Chapter 13 of the UDO, shall be permitted.
 - 5.2 <u>Maximum Dwellings.</u> The total number of Dwellings permitted in the District shall not exceed one hundred and eighty-three (183) Single-family Dwellings; however, a maximum of one hundred and nine (109) Lots may be developed pursuant to the standards applicable to Area A.

Section 6. General Regulations. The standards of Chapter 4: Zoning Districts, as applicable to the Underlying Zoning District, shall apply to the development of the District, except as otherwise modified below. Lots may be developed pursuant to either the standards of Area A or the standards of Area B as set forth in this Ordinance and subject to Section 5.2 of this Ordinance.

Standard	Area A	Area B				
Minimum Lot Area	9,100 SF	10,500 SF				
Minimum Building Setback Lines						
Front Yard	20'	20'				
Side Yard	6'	7'				
Rear Yard	20'	20'				
Minimum Lot Width	65'	75'				
Maximum Building Height	2 ½ stories					
Minimum Living Area (Total)						
One Story Dwellings	1,800 SF	2,000 SF				
Two Story Dwellings	2,000 SF	2,200 SF				

- **Section 7. Development Standards.** The standards of Chapter 6: Development Standards shall apply to the development of the District, except as otherwise modified below.
 - 7.1 <u>Article 6.3 Architectural Standards</u>: Shall apply, except as modified below:
 - A. Streetscape Diversity: Article 6.3(C)(2) shall not apply; rather, the following shall apply. The Character Exhibit, attached hereto as **Exhibit C**, is hereby incorporated as a compilation of images designed to capture the intended architectural styles of structures to be constructed in the District. It is not the intent to limit the architectural styles shown in the Character Exhibit, but to encourage a diversity in architectural styles of Dwellings within the District. As such, the following shall apply:

	4	4
	3	3
	2	2
	1	1
Subject Home		1
	1	1
	2	2
	3	3
	4	4

- Homes shall not be of the Same Elevation of the same plan as the Subject Home and shall be a Different Color Package.
- Homes shall not be of the Same Elevation of the same plan as the Subject Home and shall be a Different Color Package, but may have the same Masonry Material.
- Homes may be of the same plan and may be the Same Elevation as the Subject Home, but shall be a Different Color Package.
- 4 Homes may be identical to the Subject Home.

- B. Additional Architectural Standards: The following shall apply to all Dwellings:
 - i. <u>Minimum Overhang:</u> The roof overhang or eaves shall be a minimum of eight (8) inches, as measured prior to the installation of Masonry Materials.
 - ii. <u>Garage Composition and Orientation:</u> All Dwellings shall have a minimum two (2) car attached garage.
 - iii. <u>Building Materials:</u> In addition to Article 6.3(C)(3) Building Materials, vinyl and aluminum siding shall be prohibited.
 - iv. <u>Front Building Façade Requirements</u>: Each Dwelling shall utilize a minimum of three (3) of the following architectural elements on the Front Building Façade. All of the below architectural elements shall count as one (1) unless otherwise indicated:
 - a) Side load or angled garage.
 - b) Covered front porch (minimum six (6) feet in width and four (4) feet in depth).
 - c) Roofline direction change or roofline height change greater than sixteen (16) inches.
 - d) Wood, Fiber Cement Siding, or equivalent trim at corners, frieze boards, window and door wraps, and as transitional material between two different exterior materials.
 - e) Decorative shutters or other enhanced architectural window treatment on all windows (e.g., minimum five and one-half inch (5-1/2") wide trim), where feasible (a minimum of three (3) windows with shutters are required to meet this provision).
 - f) A minimum of two (2) two-foot (2') deep offsets which is a minimum height equivalent to one-story, excluding relief for doors, windows, and garages (homes incorporating two (2) or more architectural breaks shall be deemed to have met two (2) of the element requirements).
 - g) A minimum roof pitch of 8/12 for the primary roof and 10/12 for secondary roof. The primary roof shall be the portion of the structure's roof structure that most contributes to the mass of the building due to its predominance in height, width, length, bulk, or volume of area covered.
 - h) Masonry Materials on a minimum of twenty-five percent (25%) of the total Front Building Facade, exclusive of windows and doors.
 - i) Separate overhead garage door per garage bay.

- j) Roof design featuring a hip roof; dormers (a minimum of two (2) dormers); a reverse gable; a shed roof accent; or, two (2) or more roof planes.
- k) Architecturally-treated entranceways (for homes without a front porch) as illustrated on Page 3 and 9 of 16 of Exhibit C.
- 1) Bay window (a minimum of six (6) feet wide).
- m) Transom or palladium window.
- n) Garage doors containing decorative windows.
- o) Architecturally-enhanced trim a minimum of five and one-half inches (5-1/2") wide. Alternative decorative trim or masonry detailing (i.e. arches, cornices, crossheads, ornate moldings, pediments) may be considered by the Director if the trim otherwise results in a comparable visual contrast that enhances the architectural interest of the Front Building Facade.
- p) Exterior (projects from the Building Façade) fireplace chase that extends above the roof line.
- v. <u>Side Building Façade Requirements</u>: Each Dwelling shall utilize a minimum of one (1) of the following architectural elements on each Side Building Façade. Side Building Facades that face Internal Streets shall utilize a minimum of two (2) of the following architectural elements on the Side Building Façade.
 - a) Side load or angled garage.
 - b) Hip roof.
 - c) Roofline direction change or roofline height change greater than sixteen (16) inches or two (2) or more roof planes.
 - d) A minimum of two (2) two-foot (2') deep offsets which is a minimum height equivalent to one-story, excluding relief for doors, windows, and garages.
 - e) Masonry Materials on a minimum of eighteen (18) inches in height the entire length of the Side Building Façade, or a minimum four (4) foot deep return from the corner of the Front Building Façade that is a minimum height of the first floor.
 - f) A minimum of three (3) or more windows with an aggregate minimum of forty-five (45) square feet in size, on the Side Building Façade.
 - g) Bay window (a minimum of six (6) feet wide).
 - h) Architecturally-enhanced trim a minimum of five and one-half inches (5-1/2") wide. Alternative decorative trim or masonry detailing (i.e. arches, cornices, crossheads, ornate moldings, pediments) may be considered by the Director if the trim otherwise results in a comparable visual contrast that enhances the architectural interest of the Front Building Facade.
 - i) Exterior (projects from the Building Façade) fireplace chase that extends above the roof line.

- j) Architectural treatment (e.g., brackets, louvers, change in material pattern, etc.) on gable ends.
- k) Sunroom or screened porch (a minimum of one hundred and forty-four (144) square feet in size).
- 7.2. <u>Article 6.8 Landscaping Standards</u>: Shall apply, except as otherwise modified or enhanced below.
 - A. <u>Lot Landscaping:</u> Article 6.8(K) Minimum Lot Landscaping Requirements shall apply except as modified and enhanced below;
 - i. Lots in Area A shall be subject to the Single-family Residential (per Lot under 8,000 sq. ft.) Plant Materials provisions.
 - ii. Lots in Area B shall be subject to the Single-family Residential (per Lot over 8,000 sq. ft.) Plant Materials provisions.
 - iii. At a minimum the Lot's Established Front Yard shall be sodded and the remainder of the Lot shall be seeded.
 - B. <u>Gas Line Easements</u>: Landscaping within the Gas Line Easements is restricted by the Grantee of the Gas Line Easements. As a result, if mounding and/or plantings required by this Ordinance are not permitted by the Grantee of the Gas Line Easement within the Gas Line Easement (e.g., Buffer Yard plantings, External Street Frontage Requirements), then the required plantings shall be relocated and installed elsewhere on the Real Estate within Buffer Yards and Common Areas. If the relocation of plantings results in planting congestion or is otherwise contrary to landscaping best management practices, then the Director or Plan Commission may approve a landscape plan with fewer plantings than otherwise required.
- 7.3 <u>Article 6.17 Sign Standards:</u> Shall apply; however, the words "at the Station" may be substituted for the words "of Westfield" following the subdivision name, as otherwise required by Article 6.17(F)(7).
- **Section 8. Infrastructure Standards.** The District's infrastructure shall comply with the Unified Development Ordinance and the City's Construction Standards (see Chapter 7: Subdivision Regulations), unless otherwise approved by the Plan Commission or Department of Public Works in consideration to the preservation of the natural topography and environment and in consideration to the unique design intent of the District.
- **Section 9. Design Standards.** The standards of Chapter 8: Design Standards shall apply to the development of the District, except as otherwise modified below.

- 9.1 <u>Article 8.6 Open Space and Amenity Standards:</u> Shall apply except as otherwise modified or enhanced below.
 - A. <u>Minimum Open Space</u>: Shall be enhanced to require a minimum of thirty percent (30%) of the Real Estate, as generally shown on the Concept Plan.
 - B. Common Areas shall not be subject to the minimum Lot frontage provisions of the underlying Zoning District; however, Article 8.6(c) shall apply.
 - C. <u>Amenities</u>: The following amenities shall be provided:
 - i. <u>Passive Amenities</u>: Wildflower meadows and pocket parks throughout the District shall be provided for passive recreation opportunities, as generally depicted on the Concept Plan. A minimum separation of twenty-five (25) feet shall be maintained between Lots and wildflower and prairie plantings.
 - ii. <u>Active Amenities</u>: An amenity center shall be provided in the middle of the District, as depicted on the Concept Plan. The amenity center shall include, at a minimum: a pool; bath house; playground; court games; and an open play field. These amenities are generally illustrated on the Amenity Area Concept Plan, attached hereto as **Exhibit E**.
 - iii. <u>Trails</u>: Trails, including an eight-foot (8') wide multi-use path extending from 156th Street to 161st Street and Shamrock Springs Elementary School, shall be installed in substantial compliance with the locations depicted on the Concept Plan. The final locations are subject to existing easements and final engineering. If trails are prevented from being installed as generally shown, then alternative trail locations may be approved by the Director that still provide access and connectivity to the District's Open Space.

[Remainder of page intentionally left blank, signature page follows]

ALL OF WHICH IS ORDAINED/RESOLVED THIS __ DAY OF ______, 2015.

WESTFIELD CITY COUNCIL

Voting For	Voting Against	<u>Abstain</u>	
Jim Ake	Jim Ake	Jim Ake	
Steven Hoover	Steven Hoover	Steven Hoover	
Robert L. Horkay	Robert L. Horkay	Robert L. Horkay	
Charles Lehman	Charles Lehman	Charles Lehman	
Robert J. Smith	Robert J. Smith	Robert J. Smith	
Cindy L. Spoljaric	Cindy L. Spoljaric	Cindy L. Spoljaric	
Robert W. Stokes	Robert W. Stokes	Robert W. Stokes	
ATTEST:			
Cindy Gossard, Clerk Treasurer			

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Jon C. Dobosiewicz

Page \mid 9
VERSION 7 11/16/15

I hereby ce	rtify that ORDINA	NCE 15-37 v	was delivere	ed to the Mayor of	of Westfield
on the	day of	, 2015, at	t	m.	
Cindy Goss	sard, Clerk-Treasur	er			
I hereby A	PPROVE O rdinan	ICE 15-37	I hereby	VETO O rdinai	NCE 15-37
this	_ day of	, 2015.	this	day of	, 2015.
	Cook Moven		I And	u Caale Massa	
J. Andrew Cook, Mayor		J. Andre	J. Andrew Cook, Mayor		

This document prepared by: James E. Shinaver and Jon C. Dobosiewicz, Nelson & Frankenberger 550 Congressional Blvd, Suite 210, Carmel, IN 46032 (317) 844-0106

West Rail - PUD District Ordinance 7 111615

SCHEDULE OF EXHIBITS

Exhibit A Real Estate (Legal Description)

Exhibit B Concept Plan

Exhibit C Character Exhibits

Exhibit D Amenity Area Concept Plan

EXHIBIT A REAL ESTATE

A part of the Southwest Quarter of Section 10, Township 18 North, Range 3 East of the 2nd Principal Meridian, Hamilton County, Indiana more particularly described as follows:

Beginning at the southwest corner of the Southwest Quarter of said Section 10; thence North 00 degrees 21 minutes 58 seconds West (bearings based upon a survey by The Schneider Corporation dated May 18, 2004, project number 4481.002) along the west line of said Southwest Quarter a distance of 1312.55 feet to the northwest corner of the Southwest Quarter of said Southwest Quarter Section; thence North 88 degrees 51 minutes 08 seconds East along the north line of said Southwest Quarter-Quarter Section a distance of 1309.51 feet to the southwest corner of the Northeast Quarter of said Southwest Quarter Section; thence North 00 degrees 26 minutes 20 seconds West along the west line of said Northeast Quarter-Quarter Section a distance of 1310.74 feet to the northwest corner thereof; thence North 88 degrees 55 minutes 49 seconds East along the north line of said Northeast Quarter-Quarter Section a distance of 1307.83 feet to the northeast corner of the aforesaid Southwest Quarter Section, thence South 00 degrees 30 minutes 42 seconds East along the east line of said Southwest Quarter Section a distance of 2617.88 feet to the southeast corner of said Southwest Quarter Section; thence South 88 degrees 46 minutes 27 seconds West along the south line of said Southwest Quarter Section a distance of 2622.40 feet to the Point of Beginning, containing 118.20 acres, more or less.

EXCEPT therefrom that part conveyed to Epiphany Evangelical Lutheran Church, Inc. by Limited Warranty Deed recorded January 1, 2012 as Instrument No. 2012001063, described as follows:

Part of the Southwest Quarter of Section 10, Township 18 North, Range 3 East, Hamilton County, Indiana, more particularly described as follows:

BEGINNING at the southwest corner of said Southwest Quarter; thence North 00 degrees 09 minutes 21 seconds East along the west line of said Southwest Quarter (basis of bearings is the Indiana State Plane Coordinates East Zone) 676.00 feet; thence North 89 degrees 17 minutes 51 seconds East parallel with the south line of said Southwest Quarter 644.45 feet; thence South 00 degrees 09 minutes 21 seconds West parallel with the west line of said Southwest Quarter 676.00 feet to the south line of said Southwest Quarter; thence South 89 degrees 17 minutes 51 seconds West along said south line 644.45 feet to the POINT OF BEGINNING. Containing 10.000 acres, more or less.

EXHIBIT B CONCEPT PLAN



Note: Larger scale paper and digital copies of the Concept Plan are on file with the Department of Economic and Community Development under Docket Number 1511-PUD-22.

(Page 1 of 16)

ARTS AND CRAFTS (AC)





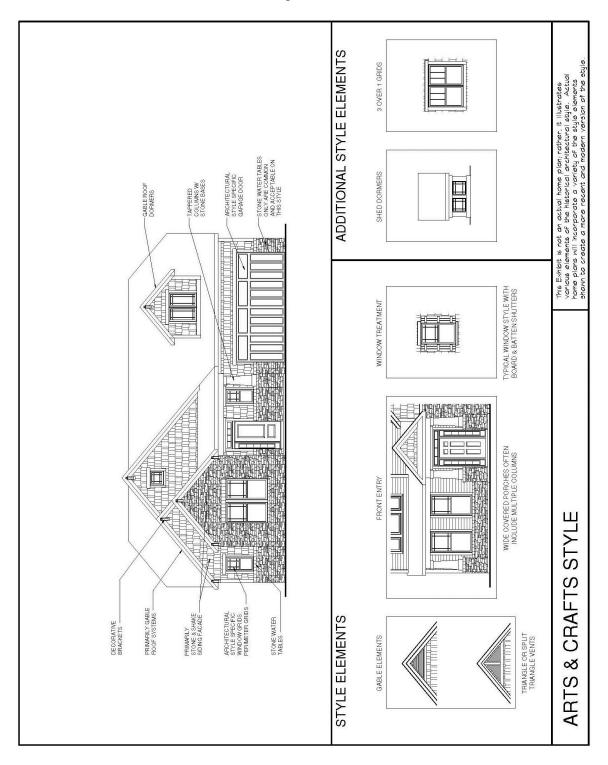








(Page 2 of 16)



(Page 3 of 16)

ENGLISH REVIVAL (ER)







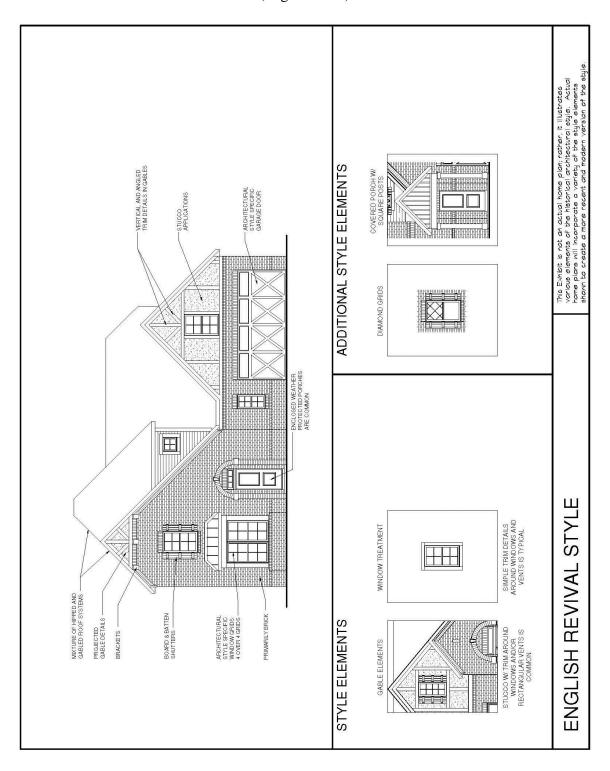








(Page 4 of 16)



(Page 5 of 16)

FARMHOUSE (FH)















(Page 6 of 16)



(Page 7 of 16)

FOUR SQUARE (FS)







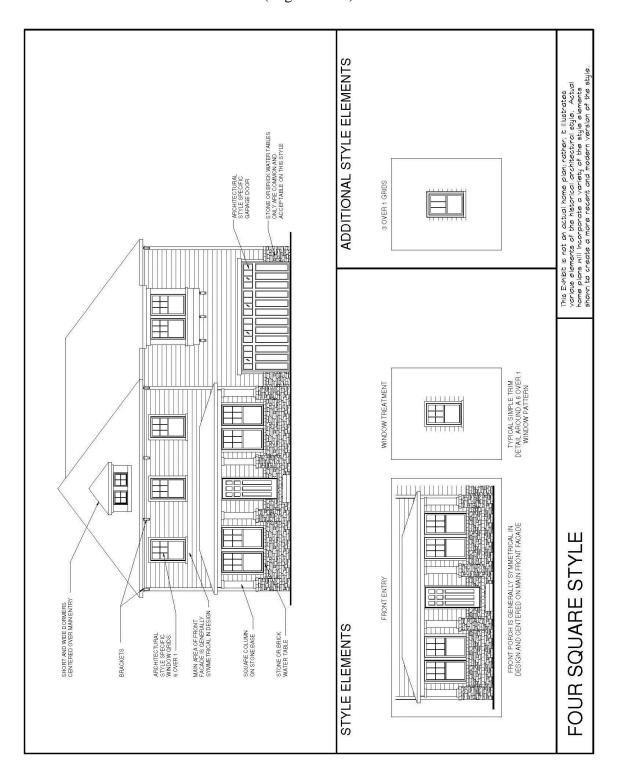








(Page 8 of 16)



(Page 9 of 16)

FRENCH COUNTRY (FC)







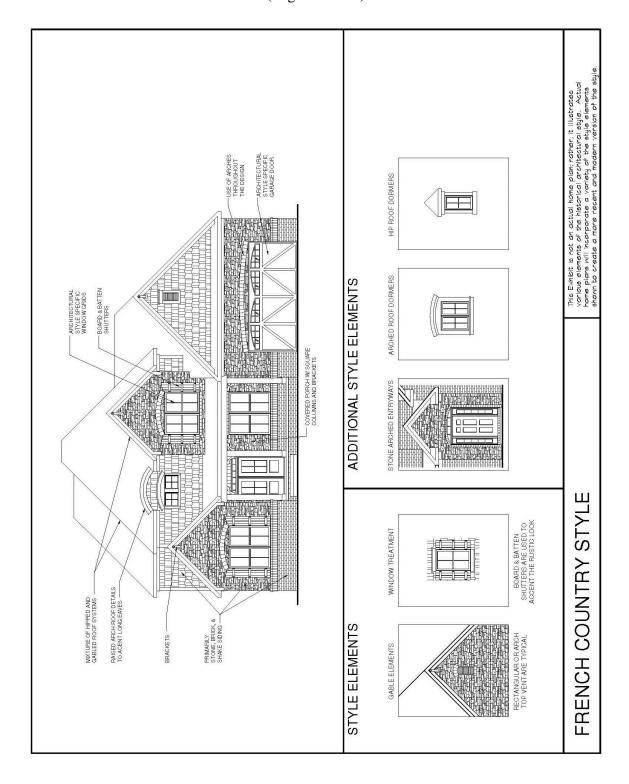








(Page 10 of 16)



(Page 11 of 16)

SHINGLE STYLE (SH)







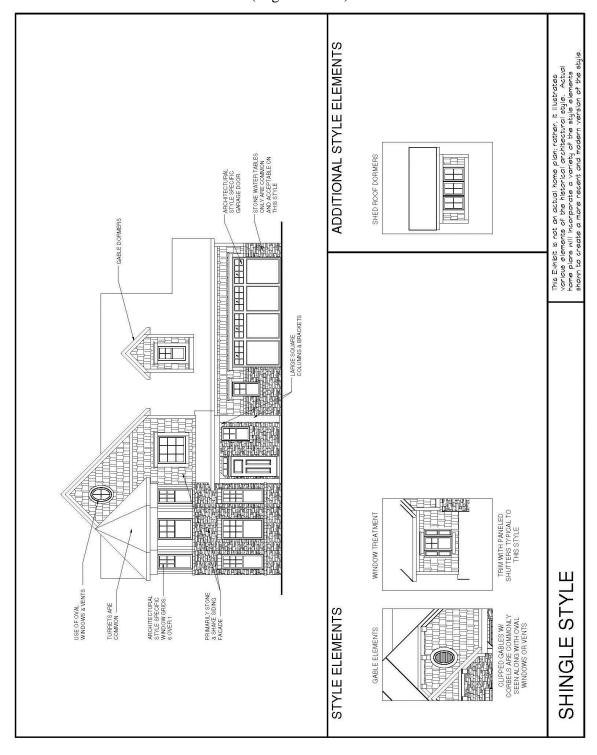








(Page 12 of 16)



(Page 13 of 16)







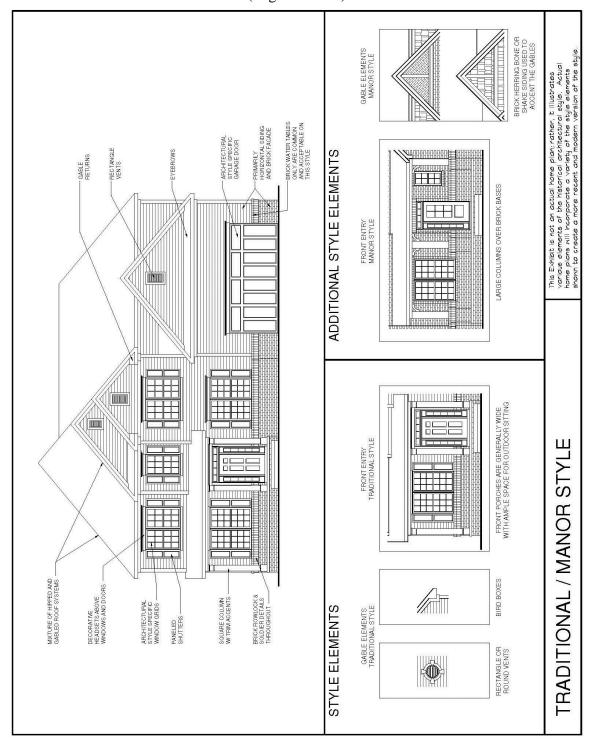








(Page 14 of 16)



(Page 15 of 16)

VICTORIAN (VI)











(Page 16 of 16)

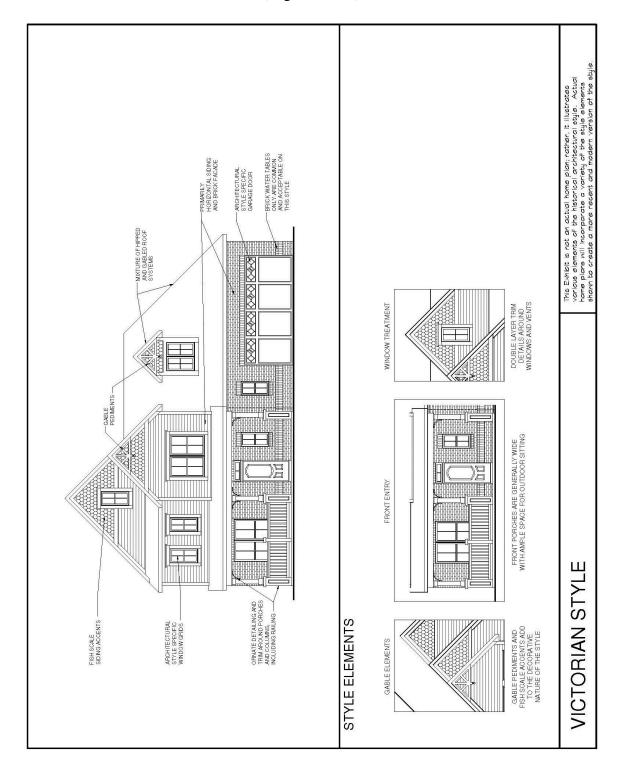


EXHIBIT D AMENITY AREA CONCEPT PLAN

(Page 1 of 2)



EXHIBIT D AMENITY AREA CONCEPT PLAN

(Page 2 of 2)



